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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,475	10/24/2003	Andrew C. Fuller	33751-1	1887

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SARA A. CENTIONI
NEXSEN PRUET JACOBS & POLLARD, LLC
POST OFFICE BOX 2426
COLUMBIA, SC 29202-2426

EXAMINER

NORMAN, MARC E

ART UNIT	PAPER NUMBER
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3744

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,475

Applicant(s)

FULLER, ANDREW C.

Examiner

Marc E. Norman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-12 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These method dependent claims cannot depend from base apparatus claim 1. The Examiner suspects that Applicant intended these claims to depend from base claim 10, not claim 1. For purposes of expedited prosecution, the Examiner has examined these claims based on that assumption.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 6, 10-12, and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Akiyama.

As per claims 1 and 10, Akiyama discloses a dehumidifier (drying mode of air conditioner 1), user interface 2, humidity sensor 19, means for desired humidity selection (Figure

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7; 44); and a controller activating the humidifier when the relative humidity is higher than the desired humidity (column 1, lines 28-35).

As per claims 3 and 18, Akiyama discloses remote controller 2 having a wireless interface (Figure 1).

As per claim 6, Akiyama discloses remote controller 2 having a display showing the listed information (Figure 5).

As per claims 11 and 12, Akiyama discloses fan 7 as part of the dehumidification device.

As per claim 15, Akiyama discloses interface 2 being remote (Figure 1).

As per claim 16, Akiyama discloses interface 2 having selecting means (Figure 5).

As per claim 17 Akiyama discloses means 32 for selecting a desired humidity.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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Claims 2, 4, 7, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama.

As per claims 2 and 19, official notice is taken that, while Akiyama teaches the controller 2 being a wireless controller, hard wired controls are old and well known in the art and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply to the system of Akiyama for the simple purpose of having a set control location.

As per claim 4, while Akiyama only teaches a single fan 7, official notice is taken that multi-fan systems are old and well known in the art and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply to the system of Akiyama for the simple purpose of scaling up the blowing capacity.

As per claim 7, while Akiyama does not teach a power unit, official notice is taken that batteries are common and integral component of remote controllers and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply to the system of Akiyama for the simple purpose powering the remote controller 2.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama in view of Jones.

As per claim 5, Akiyama does not teach the interface having a service light. However, controller service lights are old and well-known in the art of temperature/humidity control systems. Jones for example teaches an HVAC system wherein the interface has a service light 65. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply this feature to the system of Akiyama for the purpose of indicating detected service needs of the system.

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Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama in view of Warner.

As per claim 20, Akiyama does not teach an alarm. Warner teaches a humidity sensor alarm system wherein the alarm circuit is activated when the relative humidity rises above a certain value (Abstract, lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the alarm of Warner to the system of Akiyama for the purpose of warning of excessive humidity conditions.

Allowable Subject Matter

Claims 8, 9, 13, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc E. Norman whose telephone number is 703-305-2711. The examiner can normally be reached on Mon.-Fri., 8:00-5:30, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel can be reached on 703-308-2597. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MN

A handwritten signature in black ink, appearing to read 'M. Norman', is positioned above the printed name.

**MARC NORMAN
PRIMARY EXAMINER**